2013
Legislation of Interest
to
County Auditors

Chaptered Bills

Chaptered Court Bills

AB 218 (Dickinson D) Employment applications: criminal history.

STATUS: 10/10/2013-Chaptered by Secretary of State - Chapter 699, Statutes of 2013.

IS URGENCY: N

SUMMARY: Existing law prohibits both public and private employers from asking an applicant for employment to disclose, either in writing or verbally, any information concerning an arrest or detention that did not result in a conviction. This bill, commencing July 1, 2014, would prohibit a state or local agency from asking an applicant to disclose information regarding a criminal conviction, except as specified, until the agency has determined the applicant meets the minimum employment qualifications for the position. The bill would include specified findings and declarations of the Legislature in support of this policy. This bill contains other related provisions and other existing laws.

DIGEST: Existing law prohibits both public and private employers from asking an applicant for employment to disclose, either in writing or verbally, any information concerning an arrest or detention that did not result in a conviction.

This bill, commencing July 1, 2014, would prohibit a state or local agency from asking an applicant to disclose information regarding a criminal conviction, except as specified, until the agency has determined the applicant meets the minimum employment qualifications for the position. The bill would include specified findings and declarations of the Legislature in support of this policy.

Because this bill would impose new requirements on local agencies relative to employment application procedures, it would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

LAWS: An act to add Section 432.9 to the Labor Code, relating to employment.

AB 382 (Mullin D) State and local government: alternative investments: public access.

STATUS: 9/23/2013-Chaptered by Secretary of State - Chapter 326, Statutes of 2013.

IS URGENCY: N

SUMMARY: Existing law, the California Public Records Act, requires state agencies and local agencies to make public records available for inspection, subject to specified criteria, and with specified exceptions. Existing law excludes from disclosure records of public investment funds regarding alternative investments, as defined, unless the information has already been publicly released by the keeper of the information. Existing law defines an alternative investment to mean an investment in a private equity fund, venture fund, hedge fund, or absolute return fund. This bill would include prescribed documents dealing with alternative investments within the exceptions to the requirement for disclosure of documents related to public meetings. This bill contains other related provisions and other existing laws.

DIGEST: Existing law, the California Public Records Act, requires state agencies and local agencies to make public records available for inspection, subject to specified criteria, and with specified exceptions. Existing law excludes from disclosure records of public investment funds regarding alternative investments, as defined, unless the information has already been publicly released by the keeper of the information. Existing law defines an alternative investment to mean an investment in a private equity fund, venture fund, hedge fund, or absolute return fund.

Existing law, the Ralph M. Brown Act, requires the meetings of the legislative body of a local agency to be conducted openly and publicly, with specified exceptions. Existing law makes agendas of public meetings and other writings distributed to the members of the governing board disclosable public records, with certain exceptions. Existing law authorizes the legislative body of a local agency that invests pension funds to hold a meeting in closed session to consider the purchase or sale of particular, specific pension fund investments.

This bill would include prescribed documents dealing with alternative investments within the exceptions to the requirement for disclosure of documents related to public meetings.

Existing constitutional provisions require that a statute that limits the right of access to the meetings of public bodies or the writings of public officials and agencies be adopted with findings demonstrating the interest protected by the limitation and the need for protecting that interest.

This bill would make legislative findings to that effect.

LAWS: An act to amend Section 54957.5 of the Government Code, relating to state and local government.

AB 440 (Gatto D) Hazardous materials: releases: local agency cleanup.

STATUS: 10/5/2013-Chaptered by Secretary of State - Chapter 588, Statutes of 2013.

IS URGENCY: N

SUMMARY: Existing law dissolved redevelopment agencies and community development agencies, as of February 1, 2012, and provides for the designation of successor agencies, as defined. Existing law requires successor agencies to wind down the affairs of the dissolved redevelopment agencies and to, among other things, perform obligations required pursuant to any enforceable obligation, including, but not limited to, any obligations under the Polanco Redevelopment Act to remedy or remove the release of hazardous substances within a project area consistent with state and federal laws, as specified. This bill would authorize a local agency to take any action similar to that under the Polanco Redevelopment Act that the local agency determines is necessary, consistent with other state and federal laws, to investigate and clean up a release of hazardous materials in a blighted area, as determined by the local agency, within the boundaries of the local agency, pursuant to the procedures specified in the bill. This bill contains other related provisions and other existing laws.

DIGEST: Existing law dissolved redevelopment agencies and community development agencies, as of February 1, 2012, and provides for the designation of successor agencies, as defined. Existing law requires successor agencies to wind down the affairs of the dissolved redevelopment agencies and to, among other things, perform obligations required pursuant to any enforceable obligation, including, but not limited to, any obligations under the Polanco Redevelopment Act to remedy or remove the release of hazardous substances within a project area consistent with state and federal laws, as specified.

Existing law, the Carpenter-Presley-Tanner Hazardous Substance Account Act, imposes liability for hazardous substance removal or remedial actions and requires the Department of Toxic Substances Control to adopt, by regulation, criteria for the selection and for the priority ranking of hazardous substance release sites for removal or remedial action under the act.

This bill would authorize a local agency to take any action similar to that under the Polanco Redevelopment Act that the local agency determines is necessary, consistent with other state and federal laws, to investigate and clean up a release of hazardous materials in a blighted area, as determined by the local agency, within the boundaries of the local agency, pursuant to the procedures specified in the bill.

The bill would require a local agency to submit for approval a cleanup plan to the California regional water control board or to the Department of Toxic Substances Control before taking action. The bill would require a local agency to take specified actions with regard to providing an opportunity for the public and other public agencies to participate in decisions regarding the proposed cleanup plan. The bill would allow the local agency to take those cleanup activities only under specified conditions with regard to the responsible party for the release, unless the local agency is taking action to investigate or conduct feasibility studies concerning a release or determines that conditions require immediate action.

The bill would allow the local agency to designate another agency, in lieu of the department or the regional board, to review and approve a cleanup plan and to oversee the cleanup of hazardous material from a hazardous material release site, under certain conditions. The bill would immunize a local agency that cleans up a hazardous material release, pursuant to those provisions, from liability under specified state laws, if the action is in accordance with a cleanup plan prepared by a qualified independent contractor, as defined, and approved by the department, a regional board, or the designated agency, and the cleanup is undertaken and properly completed. The bill would authorize the recovery by a local agency of cleanup costs from the responsible party.

LAWS: An act to add Chapter 6.10 (commencing with Section 25403) to Division 20 of the Health and Safety Code, relating to hazardous substances.

AB 483 (Ting D) Local government: taxes, fees, assessments, and charges: definitions.

STATUS: 10/4/2013-Chaptered by Secretary of State - Chapter No. 552, Statutes of 2013

IS URGENCY: Y

SUMMARY: Article XIII C of the California Constitution generally requires a majority vote of the electorate for a local government to impose, extend, or increase any general tax and a 2⁄3 vote of the electorate to impose, extend, or increase any special tax, and permits the use of the initiative to affect local taxes, assessments, fees, and charges. Article XIII C of the California Constitution also defines a local tax and sets out the categories of charges that are excluded from that definition. Existing law, the Proposition 218 Omnibus Implementation Act, prescribes specific procedures and parameters for local jurisdictions to comply with Article XIII C of the California Constitution, and defines various terms for these purposes. This bill would add a provision to the Proposition 218 Omnibus Implementation Act to additionally define the terms "specific benefit," and "specific government service" for purposes of Article XIII C of the California Constitution. This bill contains other related provisions.

DIGEST: Article XIII C of the California Constitution generally requires a majority vote of the electorate for a local government to impose, extend, or increase any general tax and a 2⁄3 vote of the electorate to impose, extend, or increase any special tax, and permits the use of the initiative to affect local taxes, assessments, fees, and charges. Article XIII C of the California Constitution also defines a local tax and sets out the categories of charges that are excluded from that definition. Existing law, the Proposition 218 Omnibus Implementation Act, prescribes specific procedures and parameters for local jurisdictions to comply with Article XIII C of the California Constitution, and defines various terms for these purposes.

This bill would add a provision to the Proposition 218 Omnibus Implementation Act to additionally define the terms "specific benefit," and "specific government service" for purposes of Article XIII C of the California Constitution.

This bill would declare that it is to take effect immediately as an urgency statute.

LAWS: An act to add Section 53758 to the Government Code, relating to local government, and declaring the urgency thereof, to take effect immediately.

AB 546 (Stone D) Local government: consolidation of offices.

STATUS: 6/24/2013-Chaptered by Secretary of State - Chapter 14, Statutes of 2013.

IS URGENCY: N

SUMMARY: Existing law authorizes the board of supervisors in Mendocino County, Sonoma County, Trinity County, and Tulare County to consolidate the duties of the offices of Auditor-Controller and Treasurer-Tax Collector into the elected office of Auditor-Controller-Treasurer-Tax Collector. This bill would additionally authorize the board of supervisors in Santa Cruz County to consolidate the duties of the offices of Auditor-Controller and Treasurer-Tax Collector into the elected office of Auditor-Controller-Treasurer-Tax Collector.

DIGEST: Existing law authorizes the board of supervisors in Mendocino County, Sonoma County, Trinity County, and Tulare County to consolidate the duties of the offices of Auditor-Controller and Treasurer-Tax Collector into the elected office of Auditor-Controller-Treasurer-Tax Collector.

This bill would additionally authorize the board of supervisors in Santa Cruz County to consolidate the duties of the offices of Auditor-Controller and Treasurer-Tax Collector into the elected office of Auditor-Controller-Treasurer-Tax Collector.

LAWS: An act to amend Section 24304.2 of the Government Code, relating to local government.

AB 701 (Quirk-Silva D) General Subject: Local government finance: property tax revenue allocation: vehicle license fee adjustments: County of Orange.

STATUS: 9/27/2013-Chaptered by Secretary of State - Chapter 393, Statutes of 2013.

IS URGENCY: N

SUMMARY: Existing property tax law requires the county auditor, in each fiscal year, to allocate property tax revenue to local jurisdictions in accordance with specified formulas and procedures, and generally requires that each jurisdiction be allocated an amount equal to the total of the amount of revenue allocated to that jurisdiction in the prior fiscal year, subject to certain modifications, and that jurisdiction's portion of the annual tax increment, as defined. This bill would modify these reduction and transfer provisions by increasing the vehicle license fee adjustment amount for the County of Orange by $53,000,000 for the 2013-14 fiscal year and requiring that amount to be included in the calculation of the vehicle license fee adjustment amount for that county for each fiscal year thereafter. This bill contains other related provisions and other existing laws.

DIGEST: Existing property tax law requires the county auditor, in each fiscal year, to allocate property tax revenue to local jurisdictions in accordance with specified formulas and procedures, and generally requires that each jurisdiction be allocated an amount equal to the total of the amount of revenue allocated to that jurisdiction in the prior fiscal year, subject to certain modifications, and that jurisdiction's portion of the annual tax increment, as defined.

Existing property tax law requires that, for purposes of determining property tax revenue allocations in each county for the 1992-93 and 1993-94 fiscal years, the amounts of property tax revenue deemed allocated in the prior fiscal year to the county, cities, and special districts be reduced in accordance with certain formulas. It requires that the revenues not allocated to the county, cities, and special districts as a result of these reductions be transferred to the Educational Revenue Augmentation Fund in that county for allocation to school districts, community college districts, and the county office of education.

For the 2004-05 fiscal year and each fiscal year thereafter, existing law requires that each city, county, and city and county receive additional property tax revenues in the form of a vehicle license fee adjustment amount, as defined, from a Vehicle License Fee Property Tax Compensation Fund that exists in each county treasury. Existing law requires that these additional allocations be funded from ad valorem property tax revenues otherwise required to be allocated to each county's Educational Revenue Augmentation Fund for the benefit of educational entities.

This bill would modify these reduction and transfer provisions by increasing the vehicle license fee adjustment amount for the County of Orange by $53,000,000 for the 2013-14 fiscal year and requiring that amount to be included in the calculation of the vehicle license fee adjustment amount for that county for each fiscal year thereafter.

This bill would direct the Department of Finance and the Chancellor of the California Community Colleges to work with the County of Orange, the county auditor-controller for the County of Orange, and intervenors in obtaining a final and complete resolution to a specified case in which all parties agree not to seek appellate review. The bill would include findings and declarations that an appropriate resolution would be for the County of Orange to repay specified amounts over a specified period.

By changing the manner in which property tax revenues are allocated by the county officials in the County of Orange, this bill would impose a state-mandated local program.

Existing law, for the 2009-10 fiscal year and for each fiscal year thereafter, requires the auditor of a qualified county, as defined, to increase the total amount of ad valorem property tax revenue otherwise required to be allocated to that county by the county equity amount, as defined, and to commensurately reduce the total amount of ad valorem property tax revenue otherwise required to be allocated to the Educational Revenue Augmentation Fund in the county, as specified.

This bill would repeal these provisions.

This bill would make legislative findings and declarations as to the necessity of a special statute for the County of Orange.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

LAWS: An act to amend Section 97.70 of, and to repeal Section 97.80 of, the Revenue and Taxation Code, relating to local government finance.

AB 1090 (Fong D) Public officers: conflicts of interest: contracts.

STATUS: 10/8/2013-Chaptered by Secretary of State - Chapter 650, Statutes of 2013.

IS URGENCY: N

SUMMARY: The Political Reform Act of 1974 establishes the Fair Political Practices Commission as the agency responsible for enforcing the act. The act authorizes the Commission to issue an opinion or advice to a person with respect to that person's duties under the act, as specified. The act authorizes the Commission to seek and impose administrative and civil penalties against persons who violate the act, as prescribed. This bill would establish an additional situation in which an official is not financially interested in a contract as applied to specified public services contracts entered into by certain special districts. This bill contains other related provisions and other existing laws.

DIGEST: The Political Reform Act of 1974 establishes the Fair Political Practices Commission as the agency responsible for enforcing the act. The act authorizes the Commission to issue an opinion or advice to a person with respect to that person's duties under the act, as specified. The act authorizes the Commission to seek and impose administrative and civil penalties against persons who violate the act, as prescribed.

Existing law prohibits Members of the Legislature, state, county, district, judicial district, and city officers or employees from being financially interested in any contract made by them in their official capacity, or by any body or board of which they are members. Existing law identifies certain remote interests that are not subject to this prohibition and other situations in which an official is not deemed to be financially interested in a contract. Existing law makes a willful violation of this prohibition a crime.

This bill would establish an additional situation in which an official is not financially interested in a contract as applied to specified public services contracts entered into by certain special districts.

This bill would also make a person who violates the prohibition against being financially interested in a contract, or who causes another person to violate the prohibition, subject to administrative and civil fines, as specified. The bill would authorize the Commission to enforce these violations by bringing an administrative or civil action against a person who is subject to the prohibition, as specified, upon written authorization from the district attorney of the county in which the alleged violation occurred.

This bill would authorize a person who is subject to those prohibitions to request an opinion or advice from the Commission with respect to those prohibitions, as specified.

The Political Reform Act of 1974, an initiative measure, provides that the Legislature may amend the act to further the act's purposes upon a 2⁄3 vote of each house and compliance with specified procedural requirements.

This bill would declare that it furthers the purposes of the act.

LAWS: An act to amend Section 1091.5 of, and to add Sections 1097.1, 1097.2, 1097.3, 1097.4, and 1097.5 to, the Government Code, relating to public officers.

AB 1149 (Campos D) Identity theft: local agencies.

STATUS: 9/27/2013-Chaptered by Secretary of State - Chapter 395, Statutes of 2013.

IS URGENCY: N

SUMMARY: Existing law requires any state office, officer, or executive agency that owns or licenses computerized data that includes personal information to disclose any breach of the security of the system following discovery or notification of the breach in the security of the data to any resident of California whose unencrypted personal information was, or is reasonably believed to have been, acquired by an unauthorized person. This bill would expand this disclosure requirement to apply to a breach of computerized data that is owned or licensed by a local agency. The bill would create a state-mandated local program by imposing new duties on local agencies. This bill contains other related provisions and other existing laws.

DIGEST: Existing law requires any state office, officer, or executive agency that owns or licenses computerized data that includes personal information to disclose any breach of the security of the system following discovery or notification of the breach in the security of the data to any resident of California whose unencrypted personal information was, or is reasonably believed to have been, acquired by an unauthorized person.

This bill would expand this disclosure requirement to apply to a breach of computerized data that is owned or licensed by a local agency. The bill would create a state-mandated local program by imposing new duties on local agencies.

This bill would incorporate additional changes to Section 1798.29 of the Civil Code proposed by SB 46 that would become operative if this bill and SB 46 are enacted and this bill is enacted last.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

LAWS: An act to amend Section 1798.29 of the Civil Code, relating to identity theft.

AB 1218 (Gray D) California State Auditor: duties.

STATUS: 8/28/2013-Chaptered by Secretary of State - Chapter 189, Statutes of 2013.

IS URGENCY: N

SUMMARY: Existing law requires the California State Auditor to conduct financial and performance audits as directed by statute, and to conduct audits of a state or local governmental agencies or other publicly created entities as requested by the Joint Legislative Audit Committee. This bill also would authorize the California State Auditor to conduct additional followup audit work that is related to findings and recommendations related to the above-described audits, as specified. The bill additionally would make technical, nonsubstantive changes to these provisions.

DIGEST: Existing law requires the California State Auditor to conduct financial and performance audits as directed by statute, and to conduct audits of a state or local governmental agencies or other publicly created entities as requested by the Joint Legislative Audit Committee.

This bill also would authorize the California State Auditor to conduct additional followup audit work that is related to findings and recommendations related to the above-described audits, as specified. The bill additionally would make technical, nonsubstantive changes to these provisions.

LAWS: An act to amend Section 8546.1 of the Government Code, relating to the California State Auditor.

AB 1248 (Cooley D) Controller: internal control guidelines applicable to local agencies.

STATUS: 8/28/2013-Chaptered by Secretary of State - Chapter 190, Statutes of 2013.

IS URGENCY: N

SUMMARY: Existing law requires the Controller to superintend the fiscal concerns of the state, suggest plans for the improvement and management of the public revenues, and at least annually, summon county auditors to discuss problems with, among other things, the reporting of financial transactions of the counties. This bill would require the Controller, on or before January 1, 2015, to develop internal control guidelines applicable to a local agency, as defined, to prevent and detect financial errors and fraud, based on specified standards and with input from any local agency and organizations representing the interests of local agencies. This bill would require the Controller to, by the same date, post the completed internal control guidelines on the Controller's Internet Web site and update them, as he or she deems necessary, as specified.

DIGEST: Existing law requires the Controller to superintend the fiscal concerns of the state, suggest plans for the improvement and management of the public revenues, and at least annually, summon county auditors to discuss problems with, among other things, the reporting of financial transactions of the counties.

This bill would require the Controller, on or before January 1, 2015, to develop internal control guidelines applicable to a local agency, as defined, to prevent and detect financial errors and fraud, based on specified standards and with input from any local agency and organizations representing the interests of local agencies. This bill would require the Controller to, by the same date, post the completed internal control guidelines on the Controller's Internet Web site and update them, as he or she deems necessary, as specified.

LAWS: An act to add Section 12422.5 to the Government Code, relating to local government.

SB 13 (Beall D) Public employees' retirement benefits.

STATUS: 10/4/2013-Chaptered by Secretary of State - Chapter No. 528, Statutes of 2013

IS URGENCY: Y

SUMMARY: (1) The Public Employees' Retirement Law (PERL) establishes the Public Employees' Retirement System (PERS) and the Teachers' Retirement Law establishes the State Teachers' Retirement System for the purpose of providing pension benefits to specified public employees. Existing law also establishes the Judges' Retirement System II which provides pension benefits to elected judges and the Legislators' Retirement System which provides pension benefits to elective officers of the state other than judges and to legislative statutory officers. The County Employees Retirement Law of 1937 authorizes counties to establish retirement systems pursuant to its provisions in order to provide pension benefits to county, city, and district employees. This bill would correct an erroneous cross-reference in the above provision and would instead specify that the Judges' Retirement System and the Judges' Retirement System II are not required to adopt the defined benefit formula contained in other provisions for nonsafety and safety members. The bill would except from PEPRA certain multiemployer plans authorized under, and regulated by, specified federal law. The bill would also except from PEPRA public employees whose collective bargaining rights are subject to specified provisions of federal law until a specified federal district court decision on certification by the United States Secretary of Labor, or his or her designee, or until January 1, 2015, whichever is sooner. The bill would also provide that if a federal district court upholds the determination of the United States Secretary of Labor, or his or her designee, that application of PEPRA to those public employees precludes certification, those employees are excepted from PEPRA. The bill would clarify the application of PEPRA to employees who were employed prior to January 1, 2013, who have service credit in a different retirement system or who change positions for the same employer without a break in service, as specified. The bill would authorize a public retirement system to adopt regulations and resolutions in order to modify its retirement plan or plans to conform with PEPRA. This bill contains other related provisions and other existing laws.

DIGEST: (1) The Public Employees' Retirement Law (PERL) establishes the Public Employees' Retirement System (PERS) and the Teachers' Retirement Law establishes the State Teachers' Retirement System for the purpose of providing pension benefits to specified public employees. Existing law also establishes the Judges' Retirement System II which provides pension benefits to elected judges and the Legislators' Retirement System which provides pension benefits to elective officers of the state other than judges and to legislative statutory officers. The County Employees Retirement Law of 1937 authorizes counties to establish retirement systems pursuant to its provisions in order to provide pension benefits to county, city, and district employees.

The California Public Employees' Pension Reform Act of 2013 (PEPRA), on and after January 1, 2013, requires a public retirement system, as defined, to modify its plan or plans to comply with the act and, among other provisions, establishes new retirement formulas that may not be exceeded by a public employer offering a defined benefit pension plan, setting the maximum benefit allowable for employees first hired on or after January 1, 2013, as a formula commonly known as 2.5% at age 67 for nonsafety members, one of 3 formulas for safety members, 2% at age 57, 2.5% at age 57, or 2.7% at age 57, and 1.25% at age 67 for new state miscellaneous or industrial members who elect to be in Tier 2. Under PEPRA, the Judges' Retirement System and the Judges' Retirement System II are not required to adopt the defined benefit formula contained in certain other provisions.

This bill would correct an erroneous cross-reference in the above provision and would instead specify that the Judges' Retirement System and the Judges' Retirement System II are not required to adopt the defined benefit formula contained in other provisions for nonsafety and safety members. The bill would except from PEPRA certain multiemployer plans authorized under, and regulated by, specified federal law. The bill would also except from PEPRA public employees whose collective bargaining rights are subject to specified provisions of federal law until a specified federal district court decision on certification by the United States Secretary of Labor, or his or her designee, or until January 1, 2015, whichever is sooner. The bill would also provide that

if a federal district court upholds the determination of the United States Secretary of Labor, or his or her designee, that application of PEPRA to those public employees precludes certification, those employees are excepted from PEPRA. The bill would clarify the application of PEPRA to employees who were employed prior to January 1, 2013, who have service credit in a different retirement system or who change positions for the same employer without a break in service, as specified. The bill would authorize a public retirement system to adopt regulations and resolutions in order to modify its retirement plan or plans to conform with PEPRA.

(2) PEPRA authorizes a public employer offering a retirement benefit plan consisting solely of a defined contribution plan prior to January 1, 2013, to continue to offer that plan instead of the defined benefit plan required pursuant to PEPRA. However, PEPRA requires an employer that adopts a new defined benefit pension plan or defined benefit formula on or after January 1, 2013, to conform the plan or formula to the requirements of PEPRA or be determined and certified by the retirement system's chief actuary and the system's board to have no greater risk and no greater cost to the employer than the defined benefit formula and to be approved by the Legislature. Under that law, new members of the employer's plan may only participate in the defined contribution plan that was in place before January 1, 2013, or a defined contribution plan or defined benefit formula that conforms to the requirements of PEPRA.

This bill would specify that the above provisions are not to be construed to prohibit an employer from offering a defined contribution plan on or after January 1, 2013, either with or without a defined benefit plan, if the employer did not offer a defined contribution plan prior to that date.

(3) PEPRA defines pensionable compensation for new members and limits payments and compensation that may be used to calculate a defined benefit for new members and provides that this number shall be adjusted based on changes to the Consumer Price Index for All Urban Consumers. PEPRA permits an employer to provide a contribution to a defined contribution plan for compensation that is in excess of that limit subject to other limits described in federal law. PEPRA excludes specified payments from the definition of pensionable compensation.

This bill would specify the method by which adjustments to pensionable compensation limits based on the Consumer Price Index are to be made and which consumer price index is to be used for this purpose. The bill would revise how limits on an employer's contributions to a defined contribution plan are to be determined, as specified, and would specifically authorize a retirement system to limit the pensionable compensation used to calculate contributions for new members in this regard. The bill would specify that the exclusions from pensionable compensation apply to new members. The bill would prescribe requirements for exclusions from pensionable compensation that are collectively bargained with represented state employees or imposed on nonrepresented state employees.

(4) On and after January 1, 2013, PEPRA requires each retirement system that offers a defined benefit plan for safety members of the system to use one or more of specified defined benefit formulas and requires an employer to offer one or more of those formulas to new employees who are safety employees eligible for membership in the program.

This bill would instead require an employer to offer one or more of those formulas to new members who are safety employees.

(5) On and after January 1, 2013, PEPRA requires new employees of specified public employers, the California State University, and the judicial branch who participate in a defined benefit plan to have an initial contribution rate of at least 50% of the normal cost rate for that defined benefit plan, rounded to the nearest 1⁄4 of 1%, or the current contribution rate of similarly situated employees, whichever is greater.

This bill would make that provision applicable to new members employed by those entities and new members employed by the Legislature. The bill would also specify that this contribution rate for new members shall be

the greater of the above 2 rates, if the greater, current contribution rate has been agreed to through the collective bargaining process. The bill would specify, with regard to the definition of normal cost, that a retirement system's actuary may use either of 2 rates of contribution, as may be applicable to the retirement system. The bill would require that, for purposes of calculating the normal cost rate, the actuarial valuation of retirement benefits includes any elements that impact the actuarial determination of the normal cost, including, but not limited to, the retirement formula, eligibility and vesting criteria, ancillary benefit provisions, and any automatic cost-of-living adjustments.

(6) PEPRA provides, for the purpose of determining a retirement benefit paid to a person who first becomes a member of a public retirement system on or after January 1, 2013, that final compensation means the member's highest average annual pensionable compensation earned, as defined, during a period of at least 36 consecutive months, or at least 3 school years, as specified.

This bill would provide for the purpose defining final compensation, as described above, the school years are to be consecutive.

(7) PEPRA prohibits a public employer from providing a retirement health benefit vesting schedule to a manager or an employee or officer who is excluded from collective bargaining that is more advantageous than that provided generally to other public employees of the same employer who are in related membership classifications.

This bill would clarify that these provisions do not require an employer to change the vesting schedule of any employee who was subject to a specific retiree health benefit vesting schedule prior to January 1, 2013, or who had a contractual agreement prior to January 1, 2013, for a specific retiree health vesting schedule and make technical changes.

(8) On and after January 1, 2013, PEPRA prohibits a public employer from offering a plan of replacement benefits for members and any survivors or beneficiaries whose retirement benefits are limited by specified federal law. On and after January 1, 2013, PEPRA makes that prohibition and certain other provisions related to replacement benefits applicable to new employees.

This bill would instead make those provisions applicable to new members.

(9) PEPRA generally prohibits a retired person who retires from a public employer from serving, being employed by, or being employed through a contract directly by, a public employer in the same retirement system from which the retiree receives a pension benefit without reinstatement, subject to certain exceptions and limitations. The act prohibits reemployment of a retiree pursuant to these provisions for a period of 180 days following the date of retirement unless he or she falls within certain exceptions to the prohibition, of which one is that the retiree is a public safety officer or a firefighter.

This bill would clarify that, for a retiree who is a public safety officer or a firefighter, he or she must be hired to perform a function or functions regularly performed by a safety officer or firefighter.

(10) PEPRA, until January 1, 2018, authorizes a safety member of a public retirement system who retires for industrial disability to receive a disability retirement equal to the greater of specified benefit amounts.

This bill would repeal the above provision.

(11) PEPRA requires that a public employee, including one who is elected or appointed to a public office, who is convicted of any state or federal felony for conduct arising out of, or in the performance of, his or her official duties in pursuit of the office or appointment, or in connection with obtaining salary, disability retirement, service retirement, or other benefits, forfeit rights, and benefits earned or accrued from the earliest date of the commission of the felony to the forfeiture date, as specified.

This bill would provide that these provisions supplement the application of specified forfeiture provisions with respect to a judge and, if there is a conflict, the provisions that result in the greatest forfeiture or provide the most stringent procedural requirements shall apply.

(12) PERL prescribes increases in required employee defined benefit plan contributions, in relation to the normal cost of benefits, for specified bargaining units. PERL requires that contribution rates for employees who are exempted from the definition of state employee and for officers and employees of the executive, legislative, or judicial branches of government who are not members of the civil service be adjusted consistent with those provisions. PERL requires that savings realized from specified employee contribution increases be allocated, upon appropriation by the Legislature, to any unfunded liability.

This bill would apply the provisions described above to state employees excluded from collective bargaining. The bill would authorize the California State University, on or after January 1, 2019, to require that its member employees pay up to certain percentages of the normal cost of benefits, depending on employment classification, as specified. The bill would except savings realized by the California State University as a result of increased employee contribution rates from allocation to unfunded liability and would make a statement of intent in this regard.

(13) Under PEPRA, a state safety member of PERS who retires on or after January 1, 2013, for industrial disability receives a disability retirement benefit equal to the greater of certain benefits, including, among others, 50% of his or her final compensation, plus an annuity purchased with his or her accumulated contributions, if any.

This bill would clarify that the portion of the industrial disability retirement benefit described above refers to an annuity purchased with the member's accumulated additional contributions.

(14) The County Employees Retirement Law of 1937 (CERL) establishes an alternative retirement plan that is applicable to Los Angeles, which includes both contributory and noncontributory plans. CERL prescribes specified formulas for computation of the retirement allowance payable for a service retirement, and for the computation of contributions, for certain members, including those to whom the federal Social Security Act applies.

This bill would make a technical change in the alternate retirement plan that is applicable to Los Angeles. The bill would specify that certain formulas prescribed by CERL do not apply to a person who becomes a member of a county retirement system under a benefit plan subject to PEPRA, as specified.

(15) This bill would make legislative findings and declarations regarding its relation to existing law and intended application.

(16) This bill would declare that it is to take effect immediately as an urgency statute.

LAWS: An act to amend Sections 7522.02, 7522.04, 7522.10, 7522.25, 7522.30, 7522.32, 7522.34, 7522.40, 7522.43, 7522.56, 7522.72, 7522.74, 20683.2, 21400, 31494.1, 31800, 31808, and 31812 of, and to repeal Section 7522.66 of, the Government Code, relating to public employees' retirement, and declaring the urgency thereof, to take effect immediately.

SB 39 (De León D) Local agencies: public officers: claims and liability.

STATUS: 10/12/2013-Chaptered by Secretary of State - Chapter 775, Statutes of 2013.

IS URGENCY: Y

SUMMARY: (1) Existing law provides for the governance of local agencies and specifically prescribes the rights and duties of their officers and employees. Existing law authorizes local agencies to establish retirement systems for the provision of pension benefits to officers and employees of the agencies and commits the administration of those systems to retirement boards. Existing law establishes a process for making claims on local agencies and excepts from that process applications for money or benefits from a public pension or retirement system. Existing law, the California Public Employees' Pension Reform Act of 2013, requires the forfeiture of specified retirement benefits by an elected public officer or a public employee, as defined, if that officer or employee is convicted of a felony for conduct arising out of, or in the performance of, his or her official duties. This bill would require the forfeiture of a contractual, common law, constitutional, or statutory claim against a local public agency employer to retirement or pension rights or benefits, as specified, by a local public officer who exercised discretionary authority and who was convicted of a felony for conduct arising out of, or in the performance of, his or her official duties. The bill would also make a statement of findings. This bill contains other related provisions.

DIGEST: (1) Existing law provides for the governance of local agencies and specifically prescribes the rights and duties of their officers and employees. Existing law authorizes local agencies to establish retirement systems for the provision of pension benefits to officers and employees of the agencies and commits the administration of those systems to retirement boards. Existing law establishes a process for making claims on local agencies and excepts from that process applications for money or benefits from a public pension or retirement system. Existing law, the California Public Employees' Pension Reform Act of 2013, requires the forfeiture of specified retirement benefits by an elected public officer or a public employee, as defined, if that officer or employee is convicted of a felony for conduct arising out of, or in the performance of, his or her official duties.

This bill would require the forfeiture of a contractual, common law, constitutional, or statutory claim against a local public agency employer to retirement or pension rights or benefits, as specified, by a local public officer who exercised discretionary authority and who was convicted of a felony for conduct arising out of, or in the performance of, his or her official duties. The bill would also make a statement of findings.

(2) This bill would declare that it is to take effect immediately as an urgency statute.

LAWS: An act to add Section 53244 to the Government Code, relating to local government, and declaring the urgency thereof, to take effect immediately.

SB 215 (Beall D) Public employee benefits.

STATUS: 10/12/2013-Chaptered by Secretary of State - Chapter 778, Statutes of 2013.

IS URGENCY: N

SUMMARY: (1) Existing law provides that the Public Employees' Retirement System (PERS) is governed by its board of administration (board) and prescribes the composition of the board. Existing law requires the retirement fund of PERS to reimburse an employing agency that employs an elected member of the board and that employs a person to replace the member during attendance at meetings of the board, among other times, for the direct and reasonable costs incurred by employing a replacement. This bill would recast these provisions to provide that the employing agency be reimbursed, as specified, without regard to whether it replaces the elected member. This bill contains other related provisions and other existing laws.

DIGEST: (1) Existing law provides that the Public Employees' Retirement System (PERS) is governed by its board of administration (board) and prescribes the composition of the board. Existing law requires the retirement fund of PERS to reimburse an employing agency that employs an elected member of the board and that employs a person to replace the member during attendance at meetings of the board, among other times, for the direct and reasonable costs incurred by employing a replacement.

This bill would recast these provisions to provide that the employing agency be reimbursed, as specified, without regard to whether it replaces the elected member.

(2) Existing law requires that a patrol member of PERS who is subject to specified benefit formulas be retired in the calendar month succeeding that in which he or she attains 60 years of age.

This bill, until January 1, 2018, would except from this requirement a Commissioner of the California Highway Patrol, as specified, who was appointed on or after January 1, 2008.

(3) Existing law authorizes the board to sell exchange-traded call options only through an exchange, and only with respect to stock owned by the system, as specified.

This bill would repeal these provisions.

(4) Existing law authorizes a member, in lieu of the retirement allowance for his or her life alone, to elect, or to revoke or change a previous election, to have the actuarial equivalent of his or her retirement allowance, as specified, applied to a lesser retirement allowance, in accordance with one of several optional settlements. Existing law authorizes a member who previously elected to receive one of certain optional settlements involving a life contingency of the beneficiary, and who has a qualifying event, as specified, to make a new election within 12 months after the occurrence of the qualifying event. Existing law requires the member to name a new beneficiary for this purpose.

This bill would authorize a member who exercises the election described above on and after January 1, 2014, to name the same beneficiary as previously designated and requires that the resulting benefit under these circumstances otherwise satisfy applicable existing law requirements.

(5) Existing law permits a person entitled to a benefit from PERS to request that payment be made by an electronic fund transfer, as specified. Existing law prohibits the board from sending a copy of benefit payment information to any person who has had payment made by electronic fund transfer or by mail, as specified, if the board has received a written request from that person that it not be sent.

This bill would authorize the board to make available, in a manner it determines appropriate, copies of the monthly benefit payment information electronically and by mail. The bill would require the board, if it does not elect to mail copies of this payment information, as specified, to all or some of the people receiving monthly benefit payments, to notify people of their right to request that a copy of the benefit payment information be mailed. The bill would require the board to mail the information upon receiving a written

request to do so.

(6) Existing law, the Public Employees' Medical and Hospital Care Act (PEMHCA), authorizes the board to enter into contracts with carriers offering health benefit plans or with entities offering services relating to the administration of health benefit plans. Existing law authorizes the board to contract for, or approve, health benefit plans exclusively for the employees and annuitants of the state and contracting agencies. Existing law defines an employee for these purposes and provides that a person who is an intermittent or irregular employee is not an employee. Existing law authorizes a contracting agency and its employees and annuitants to elect to be subject to PEMHCA upon filing with the board a resolution of its governing body, as specified. Existing law authorizes the board, by regulation, to establish requirements for a contracting agency that elects to become subject to PEMHCA.

Existing law creates the Public Employees' Health Care Fund to fund health benefit plans administered by the board. Existing law provides that the fund is continuously appropriated and consists of, among other things, health plan premiums paid by contracting agencies, the state, and enrolled employees. Existing law creates the Public Employees' Contingency Reserve Fund, and various accounts within that fund, which are continuously appropriated, for the receipt of funds for certain purposes relating to PEMHCA, including for payments made by contracting agencies for health care premiums.

This bill would revise the definition of employee to include an individual who would not otherwise qualify but who meets the definition of a full-time employee provided in specified federal law and is designated as an employee by the state or a contracting agency. By providing for increased contributions to a continuously appropriated fund, this bill would make an appropriation. The bill would provide that a contracting agency and its employees and annuitants may obtain a health benefit plan, as defined, subject to board approval of a resolution submitted by the governing body. The bill would authorize the board to refuse to contract with, or to agree to an amendment proposed by, any contracting agency for benefit provisions that are not specifically authorized by PEMHCA and that the board determines would adversely affect the administration of this system. Among other things, the bill would permit the board to require the contracting agency to enter into a contract with the board in this regard. The bill would require that the approval of the contract be by affirmative vote of a majority of the members of the relevant governing body.

(7) The County Employees Retirement Law of 1937 prescribes a comprehensive set of rights and benefits for county and district employees who are members of a retirement system subject to that law and establishes retirement boards for the administration of those systems. Existing law authorizes a retirement board to promulgate regulations regarding the administration of benefits and specifically authorizes regulations for the use and acceptance of a document requiring a signature that is submitted by a member using an electronic signature, as specified.

This bill would permit a retirement board to promulgate regulations regarding the use of recorded telephone communications for the processing of authorized transactions affecting a member's account if the board approves procedures adequate to protect the member and the system, as specified.

Appropriation: yes.

LAWS: An act to amend Sections 20092, 21269, 21462, 22772, 22850, 22920, 22922, and 31527 of, to amend, repeal, and add Section 21130 of, and to repeal Section 20204 of, the Government Code, relating to public employee benefits, and making an appropriation therefor.

SB 341 (DeSaulnier D) Redevelopment.

STATUS: 10/13/2013-Chaptered by Secretary of State - Chapter 796, Statutes of 2013.

IS URGENCY: N

SUMMARY: (1) Existing law dissolved redevelopment agencies and community development agencies, and provides for the designation of successor agencies that are required to wind down the affairs of the dissolved redevelopment agencies and to, among other things, make payments due for enforceable obligations, as defined. Existing law provides that the city, county, or city and county that authorized the creation of a redevelopment agency may elect to retain the housing assets and functions previously performed by the redevelopment agency. Existing law requires the entity assuming the housing functions of the former redevelopment agency to perform various functions. This bill would change provisions relating to the functions to be performed by the entity assuming the housing functions of the former redevelopment agency to instead refer to the housing successor. This bill contains other related provisions and other existing laws.

DIGEST: (1) Existing law dissolved redevelopment agencies and community development agencies, and provides for the designation of successor agencies that are required to wind down the affairs of the dissolved redevelopment agencies and to, among other things, make payments due for enforceable obligations, as defined. Existing law provides that the city, county, or city and county that authorized the creation of a redevelopment agency may elect to retain the housing assets and functions previously performed by the redevelopment agency. Existing law requires the entity assuming the housing functions of the former redevelopment agency to perform various functions.

This bill would change provisions relating to the functions to be performed by the entity assuming the housing functions of the former redevelopment agency to instead refer to the housing successor.

(2) Existing law provides that any funds transferred to the city, county, or city and county or the entity assuming the housing functions of the former redevelopment agency, together with any funds generated from housing assets, shall be maintained in a separate Low and Moderate Income Housing Asset Fund which shall be used in accordance with applicable housing-related provisions of the Community Redevelopment Law, as specified.

This bill would provide that funds in the Low and Moderate Income Housing Asset Fund shall be used in accordance with applicable housing-related provisions of the Community Redevelopment Law, except as specified. The bill would require the housing successor to expend funds in the Low and Moderate Income Housing Asset Fund, other than those expended to meet enforceable obligations, for the purpose of monitoring and preserving the long-term affordability of units subject to affordability restrictions or covenants entered into by the redevelopment agency or the housing successor, for homeless prevention and rapid rehousing services to individuals and families who are homeless or would be homeless but for this assistance, and for the development of affordable housing, as specified.

(3) Existing law requires that moneys in the Low and Moderate Income Housing Fund be used to assist housing for persons of low income and housing for persons of very low income in at least the same proportion as the total number of housing units needed for each of those income groups bears to the total number of units needed for persons of moderate, low, and very low income within the community, as specified.

This bill would provide that these provisions shall not apply, and would instead require that if the aggregate number of units of deed-restricted rental housing restricted to seniors and assisted by the housing successor, its former redevelopment agency, and its host jurisdiction within the previous 10 years exceeds 50% of the aggregate number of units of deed-restricted rental housing assisted by the housing successor, its former redevelopment agency, and its host jurisdiction within the same time period, then the housing successor shall not expend these funds to assist additional senior housing units until the housing successor or its host jurisdiction assists, and construction has started on, a number of units available to all persons regardless of age that is equal to 50% of the aggregate number of units of deed-restricted rental housing units assisted by

the housing successor, its former redevelopment agency, and its host jurisdiction within the same time period.

(4) Existing law requires that a specified percentage of all taxes that are allocated to a former redevelopment agency be used outside a specified project area upon a resolution of the agency and the legislative body that the use will be of benefit to the project.

This bill would provide that program income a housing successor receives shall not be associated with a project area and may be expended anywhere within the jurisdiction of the housing successor or transferred for the purpose of developing transit priority projects, permanent supportive housing, housing for agricultural employees, or special needs housing, without a finding of benefit to a project area, as specified. The bill would also authorize 2 or more housing successors, as specified, to agree to transfer funds among their respective Low and Moderate Income Housing Asset Funds, as specified.

(5) Existing law provides that if excess surplus accumulates in the Low and Moderate Income Housing Fund, the former redevelopment agency may adopt a plan for expenditure of the moneys. Existing law also requires that upon failure of the former redevelopment agency to expend or encumber excess surplus in the Low and Moderate Income Housing Fund, it shall be required to disburse, expend, or encumber its excess surplus, as specified.

This bill would provide that these provisions shall not apply, and would instead provide that if a housing successor has an excess surplus, the housing successor shall encumber the excess surplus for specified purposes or transfer the funds within 3 fiscal years. The bill would provide that if the housing successor fails to comply with this subdivision, the housing successor, within 90 days of the end of the 3rd fiscal year, shall transfer any excess surplus to the Department of Housing and Community Development for expenditure pursuant to the Multifamily Housing Program or the Joe Serna, Jr. Farmworker Housing Grant Program.

(6) Existing law requires a former redevelopment agency, for each interest in real property acquired using moneys from the Low and Moderate Income Housing Fund, to, within 5 years from the date it first acquires the property interest for the development of housing affordable to persons and families of low and moderate income, initiate activities consistent with the development of the property for that purpose. Existing law provides that in the event that physical development of the property for this purpose has not begun by the end of a specified time period, or if the former redevelopment agency does not comply with this requirement, the property shall be sold and the moneys from the sale, less reimbursement to the agency for the cost of the sale, shall be deposited in the Low and Moderate Income Housing Fund.

This bill would provide that these provisions shall not apply to interests in real property acquired on or after February 1, 2012, and that with respect to interests in real property acquired by the former redevelopment agency prior to February 1, 2012, the specified time periods shall be deemed to have commenced on the date that the Department of Finance approved the property as a housing asset.

(7) Existing law requires every former redevelopment agency to submit the final report of any audit undertaken and an annual report to its legislative body, as specified. Existing law also requires the Controller to compile and publish annually reports of the financial transactions of each former community redevelopment agency, to make the data available to the Legislature and its agents upon request, and to publish this information for each project area of each redevelopment agency.

This bill would provide that these provisions shall not apply and, instead, would require the housing successor to conduct and provide to its governing body an independent financial audit of the Low and Moderate Income Housing Asset Fund. It would also require the housing successor to post specified information on its Internet Web site.

LAWS: An act to amend Section 34176 of, and to add Section 34176.1 to, the Health and Safety Code, relating to redevelopment.

SB 470 (Wright D) Community development: economic opportunity.

STATUS: 10/8/2013-Chaptered by Secretary of State - Chapter 659, Statutes of 2013.

IS URGENCY: N

SUMMARY: Existing law generally regulates the power of cities, counties, and cities and counties. This bill would state the intent of the Legislature to promote economic development on a local level so that communities can enact local strategies to increase jobs, create economic opportunity, and generate tax revenue for all levels of government. The bill would define economic opportunity to include certain types of agreements, purposes, and projects, and declare that it is the policy of the state to protect and promote the sound development of economic opportunity in cities and counties, and the general welfare of the inhabitants of those communities through the employment of all appropriate means. This bill contains other related provisions.

DIGEST: Existing law generally regulates the power of cities, counties, and cities and counties.

This bill would state the intent of the Legislature to promote economic development on a local level so that communities can enact local strategies to increase jobs, create economic opportunity, and generate tax revenue for all levels of government. The bill would define economic opportunity to include certain types of agreements, purposes, and projects, and declare that it is the policy of the state to protect and promote the sound development of economic opportunity in cities and counties, and the general welfare of the inhabitants of those communities through the employment of all appropriate means.

The bill would state that the creation of economic opportunity and the provisions for appropriate continuing land use and construction policies with respect to property acquired, in whole or in part, for economic opportunity constitute public uses and purposes for which public money may be advanced or expended and private property acquired. The bill would provide that before certain returned city, county, or city and county property is sold or leased for development, the sale or lease shall first be approved by the legislative body, as specified. The bill would authorize a city, county, or city and county to establish a program under which it loans funds to owners or tenants for the purpose of rehabilitating commercial buildings or structures and to assist with the financing of facilities or capital equipment as part of an agreement that provides for the development or rehabilitation of property that will be used for industrial or manufacturing purposes, as specified.

LAWS: An act to add Part 4 (commencing with Section 52200) to Division 1 of Title 5 of the Government Code, relating to community development.

SB 594 (Hill D) Use of public resources.

STATUS: 10/12/2013-Chaptered by Secretary of State - Chapter 773, Statutes of 2013.

IS URGENCY: N

SUMMARY: (1) Existing law prohibits the use of public funds for campaign activities. This bill would prohibit a nonprofit organization or an officer, employee, or agent of a nonprofit organization from using, or permitting another to use public resources received from a local agency for campaign activity, as defined, and not authorized by law. This bill would define, among other terms, "public resources" to mean any property or asset owned by a local agency and funds received by a nonprofit organization which have been generated from any activities related to conduit bond financing by those entities subject to specified conduit financing and transparency and accountability provisions, and "nonprofit organization" to mean an entity incorporated under the Nonprofit Corporation Law or a nonprofit organization that qualifies for exempt status under the federal Internal Revenue Code of 1986, except as specified. This bill would authorize a civil cause of action for a violation of these prohibitions and damages that include, but are not limited to, 3 times the value of the unlawful use of the public resources. This bill would authorize the Attorney General, a district attorney, and a city attorney of a city having a population in excess of 750,000 to seek these civil remedies. This bill contains other related provisions and other existing laws.

DIGEST: (1) Existing law prohibits the use of public funds for campaign activities.

This bill would prohibit a nonprofit organization or an officer, employee, or agent of a nonprofit organization from using, or permitting another to use public resources received from a local agency for campaign activity, as defined, and not authorized by law. This bill would define, among other terms, "public resources" to mean any property or asset owned by a local agency and funds received by a nonprofit organization which have been generated from any activities related to conduit bond financing by those entities subject to specified conduit financing and transparency and accountability provisions, and "nonprofit organization" to mean an entity incorporated under the Nonprofit Corporation Law or a nonprofit organization that qualifies for exempt status under the federal Internal Revenue Code of 1986, except as specified. This bill would authorize a civil cause of action for a violation of these prohibitions and damages that include, but are not limited to, 3 times the value of the unlawful use of the public resources. This bill would authorize the Attorney General, a district attorney, and a city attorney of a city having a population in excess of 750,000 to seek these civil remedies.

(2) Existing law requires qualifying individuals and political organizations to report specified information, including, but not limited to, political contributions, in statements filed with the Fair Political Practices Commission.

This bill would require a reporting nonprofit organization that engages in campaign activity to deposit into a separate bank account all "specific source or sources of funds" it receives and to pay for all campaign activity from that separate bank account. This bill would define, among other terms, "reporting nonprofit organization" to mean a nonprofit organization for which public resources from one or more local agencies account for more than 20% of the organization's annual gross revenue, as specified, and "specific source or sources of funds" to mean any funds received by the reporting nonprofit organization that have been designated for campaign activity use or any other funds received by the nonprofit organization, as specified.

This bill would further require a reporting nonprofit organization that engages in campaign activity of specified amounts or more to periodically disclose to the Franchise Tax Board, and post on its Internet Web site in a certain manner, the identity and amount of each specific source or sources of funds it receives for campaign activity, a description of the campaign activity, and the identity and amount of payments the organization makes from the required separate bank account, as specified. This bill would authorize the Franchise Tax Board to conduct an audit of any reporting nonprofit organization, require the board to conduct an audit of any reporting nonprofit organization that engages in campaign activity in excess of $500,000 in a calendar year, issue a written audit report, and transmit the report to the Attorney General and the district

attorney for the county in which the reporting nonprofit organization is domiciled. This bill would authorize the Attorney General or the district attorney for the county in which the reporting nonprofit organization is domiciled to assess a monetary civil penalty of up to $10,000 against a reporting nonprofit organization for each violation of these disclosure requirements, as specified.

LAWS: An act to add Sections 54964.5 and 54964.6 to the Government Code, relating to campaign activity.

SB 684 (Hill D) Advertising displays: redevelopment agency project areas.

STATUS: 10/4/2013-Chaptered by Secretary of State - Chapter 544, Statutes of 2013.

IS URGENCY: Y

SUMMARY: Existing law, the Outdoor Advertising Act, provides for the regulation by the Department of Transportation of advertising displays, as defined, within view of public highways. The act regulates the placement of off-premises advertising displays along highways that generally advertise business conducted or services rendered or goods produced or sold at a location other than the property upon which the display is located. Under the act, advertising displays advertising businesses and activities within the boundary limits of, and as a part of, an individual redevelopment agency project may, with the consent of the redevelopment agency governing the project, be considered to be on premises, as specified. A violation of these provisions is a misdemeanor. This bill would provide that an advertising display advertising businesses and activities within the boundary limits of, and as a part of, an individual redevelopment agency project, as the project boundaries existed on December 29, 2011, may remain and be considered an on-premises display, until January 1, 2023, if the advertising display meets specified criteria. This bill would authorize, on and after January 1, 2022, the applicable city, county, or city and county to request from the department an extension for good cause, as specified, beyond January 1, 2023, not to exceed the expiration of the redevelopment project area. The bill would require a specified certification of a local agency authorizing one of these advertising displays, and would require the local agency to ensure that the display conforms to the bill's requirements. By imposing a new requirement in that regard on local agencies, the bill would impose a state-mandated local program. By imposing new conditions on a redevelopment project advertising display to remain lawfully erected, a violation of which would constitute a misdemeanor, this bill would also impose a state-mandated local program. This bill contains other related provisions and other existing laws.

DIGEST: Existing law, the Outdoor Advertising Act, provides for the regulation by the Department of Transportation of advertising displays, as defined, within view of public highways. The act regulates the placement of off-premises advertising displays along highways that generally advertise business conducted or services rendered or goods produced or sold at a location other than the property upon which the display is located. Under the act, advertising displays advertising businesses and activities within the boundary limits of, and as a part of, an individual redevelopment agency project may, with the consent of the redevelopment agency governing the project, be considered to be on premises, as specified. A violation of these provisions is a misdemeanor.

The Community Redevelopment Law authorizes the establishment of redevelopment agencies in communities to address the effects of blight, as defined. Existing law dissolved redevelopment agencies and community development agencies, as of February 1, 2012, and provides for the designation of successor agencies.

This bill would provide that an advertising display advertising businesses and activities within the boundary limits of, and as a part of, an individual redevelopment agency project, as the project boundaries existed on December 29, 2011, may remain and be considered an on-premises display, until January 1, 2023, if the advertising display meets specified criteria. This bill would authorize, on and after January 1, 2022, the applicable city, county, or city and county to request from the department an extension for good cause, as specified, beyond January 1, 2023, not to exceed the expiration of the redevelopment project area. The bill would require a specified certification of a local agency authorizing one of these advertising displays, and would require the local agency to ensure that the display conforms to the bill's requirements. By imposing a new requirement in that regard on local agencies, the bill would impose a state-mandated local program. By imposing new conditions on a redevelopment project advertising display to remain lawfully erected, a violation of which would constitute a misdemeanor, this bill would also impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that with regard to certain mandates no reimbursement is required by this act for a specified reason.

With regard to any other mandates, this bill would provide that, if the Commission on State Mandates determines that the bill contains costs so mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

This bill would declare that it is to take effect immediately as an urgency statute.

LAWS: An act to amend Section 5273 of the Business and Professions Code, relating to advertising displays, and declaring the urgency thereof, to take effect immediately.

SB 692 (Hancock D) Local government: community facilities districts.

STATUS: 9/6/2013-Chaptered by Secretary of State - Chapter 219, Statutes of 2013.

IS URGENCY: N

SUMMARY: The Mello-Roos Community Facilities Act of 1982 authorizes the legislative bodies of 2 or more local agencies, at any time prior to the adoption of the resolution of formation creating a community facilities district or a resolution of change to alter a district, or a resolution or resolutions authorizing issuance of bonds, to enter into a joint community facilities agreement or into a joint exercise of powers agreement, pursuant to the Joint Exercise of Powers Act, to exercise any power authorized by the Mello-Roos Community Facilities Act of 1982 with respect to the community facilities district being created or changed if the legislative body of each entity adopts a resolution declaring that the joint agreement would be beneficial to the residents of that entity. This bill would specify that this authorization is not intended to limit the ability of a joint powers authority created pursuant to the Joint Exercise of Powers Act to exercise powers authorized by the Marks-Roos Local Bond Pooling Act of 1985. This bill contains other related provisions and other existing laws.

DIGEST: (1) The Mello-Roos Community Facilities Act of 1982 authorizes the legislative bodies of 2 or more local agencies, at any time prior to the adoption of the resolution of formation creating a community facilities district or a resolution of change to alter a district, or a resolution or resolutions authorizing issuance of bonds, to enter into a joint community facilities agreement or into a joint exercise of powers agreement, pursuant to the Joint Exercise of Powers Act, to exercise any power authorized by the Mello-Roos Community Facilities Act of 1982 with respect to the community facilities district being created or changed if the legislative body of each entity adopts a resolution declaring that the joint agreement would be beneficial to the residents of that entity.

This bill would specify that this authorization is not intended to limit the ability of a joint powers authority created pursuant to the Joint Exercise of Powers Act to exercise powers authorized by the Marks-Roos Local Bond Pooling Act of 1985.

(2) Under the Mello-Roos Community Facilities Act of 1982, after a community facilities district has been created and authorized to levy specified special taxes, the legislative body may, by ordinance, levy the special taxes at the rate and apportion them in the manner specified in the resolution forming the community facilities district. The act also authorizes the annexation of territory to the community facilities district by unanimous approval of the owner or owners following the formation of that district.

This bill would authorize the legislative body, in the case of a community facilities district that includes property proposed to be annexed to the district at a future date by unanimous approval, to, by ordinance, provide for the imposition of special taxes on that property, as specified.

(3) The Mello-Roos Community Facilities Act of 1982 authorizes the legislative body to, by resolution, designate a portion or portions of the district as one or more improvement areas for purposes of the financing of, or contributing to the financing of, specified public facilities, as specified, and following the designation, authorizes all proceedings for purposes of a bond election and for the purpose of levying special taxes for payment of the bonds, or for any other change, to apply only to the improvement area for those specified facilities.

This bill would authorize the legislative body to designate a parcel or parcels of property included in a community facilities district by unanimous approval, as specified, as an improvement area without additional hearings or procedures, as specified. The bill would specify that following the designation, all proceedings for approval of the appropriations limit, the rate and method of apportionment and manner of collection of special taxes, and the authorization to incur bonded indebtedness for the parcel or parcels applies only within the improvement area.

(4) The Mello-Roos Community Facilities Act of 1982 authorizes the legislative body to incur bonded indebtedness, as specified, and authorizes any refunding bonds issued to be exchanged for the bonds to be refunded on such basis as the legislative body determines is for the benefit of the district. The legislative body is also authorized to sell the refunding bonds at public or private sale, and to place the proceeds of any sale of refunding bonds for cash in the "refunding fund" in the treasury of the local agency. The funds in the "revolving account" are required to be secured and may be invested in accordance with any other laws

applicable to the funds of the local agency. Existing law requires the proceeds and investments in the "refunding fund" at the time of issuance of the refunding bonds, as certified by a certified public accountant, to be in an amount sufficient to pay the principal, interest, and redemption premiums, if any, on the refunded bonds as they become due or at designated dates prior to maturity and the designated costs of issuance of the refunding bonds, or to pay the principal, interest, and redemption premiums, if any, on the refunding bonds prior to the maturity of the bonds to be refunded or prior to a designated date or dates before the maturity of the bonds to be refunded, the principal and any redemption premiums due on the refunded bonds at maturity or upon that designated date or dates, and the designated costs of issuance of the refunding bonds.

This bill would, with regard to the proceeds and any other cash in the "refunding fund," require those funds to be held uninvested or invested in noncallable obligations of, or obligations guaranteed as to principal and interest by, the United States of America or any agency or instrumentality thereof, when those obligations are backed by the full faith and credit of the United States of America, and requires those proceeds to be in an amount sufficient to pay the principal, interest, and redemption premiums, if any, on the refunded bonds as they become due or at designated dates prior to maturity, in which case certification of a certified public accountant is not required. The bill would authorize a local agency to execute and record in the office of the county recorder of the county in which a community facilities district is located, a notice of the owner's agreement to disclose certain information and a notice of termination of that obligation, as specified. The bill would subject a subsequent transferee of the property to the disclosure obligation.

(5) The Joint Exercise of Powers Act authorizes the legislative or other governing bodies of 2 or more public agencies to jointly exercise by agreement any power common to the contracting parties, as specified, and authorizes that joint powers authority to exercise various powers, including, among others, the power to take title to, and sell by installment sale or otherwise, lands, structures, real or personal property, rights, rights-of-way, franchises, easements, and other interests in lands that are located within the state that the authority determines are necessary or convenient for the financing of public capital improvements, or any portion thereof.

This bill would additionally authorize the joint powers authority to lease lands, structures, real or personal property, rights, rights-of-way, franchises, easements, and other interests in lands that are located within the state that the authority determines are necessary or convenient for the financing of public capital improvements, or any portion thereof.

(6) The Mello-Roos Community Facilities Act of 1982 authorizes a community facilities district to finance various services, including, but not limited to, police protection services and maintenance and lighting of parks, parkways, streets, roads, and open space.

This bill would also authorize the financing of the maintenance and operation of any real property or other tangible property, with an estimated useful life of 5 years or more, that is owned by the local agency or by another local agency, as specified.

(7) Existing law specifies the requirements for the establishment of a community facilities district, including, among other things, a petition, a hearing, the establishment of the boundaries of the community facilities district, and an election on the question of establishment. Existing law authorizes a separate procedure for establishing a community facilities district where, with the unanimous approval of parcel owners, the district initially consists solely of territory proposed for annexation to the community facilities district in the future, as specified, and, for a district so established, provides for an alternate procedure for establishing a district appropriations limit, applying special taxes, and incurring bonded indebtedness.

This bill would also exclude a legislative body from being obligated to specify in the resolution of intention the conditions under which the obligation to pay the specified special tax may be prepaid and permanently satisfied, and would instead authorize a prepayment provision to be included in the unanimous approval, as specified. The bill would authorize, as an alternate and independent procedure for making changes to authorized facilities and services, the unanimous approval of the owner or owners of the parcel or parcels that will be affected by the change together with the written consent of the local agency, as specified.

LAWS: An act to amend Sections 6588, 53313, 53316.2, 53317, 53328.1, 53340, 53350, and 53363.9 of, and to add Section 53357.1 to, the Government Code, relating to local government.

SB 801 (Roth D) Department of Finance: reports: crimes.

STATUS: 9/9/2013-Chaptered by Secretary of State - Chapter 281, Statutes of 2013.

IS URGENCY: N

SUMMARY: Existing law authorizes the Department of Finance to require financial and statistical reports, duly verified and covering the period of each fiscal year, from all agencies of the state. Existing law provides that every person who fails or neglects to make, verify, and file with the department any required report, or fails or neglects to follow the directions of the department in keeping the accounts of his or her office, is guilty of a misdemeanor. This bill would require the department to require each department head or designee whose duty it is to audit the accounts of a state agency or other state entity to provide a certification under penalty of perjury to the department that the budgeting and accounting information provided reconciles to the year-end finance reports submitted to the Controller's office. By creating a new crime, this bill would impose a state-mandated local program. This bill contains other related provisions and other existing laws.

DIGEST: Existing law authorizes the Department of Finance to require financial and statistical reports, duly verified and covering the period of each fiscal year, from all agencies of the state. Existing law provides that every person who fails or neglects to make, verify, and file with the department any required report, or fails or neglects to follow the directions of the department in keeping the accounts of his or her office, is guilty of a misdemeanor.

This bill would require the department to require each department head or designee whose duty it is to audit the accounts of a state agency or other state entity to provide a certification under penalty of perjury to the department that the budgeting and accounting information provided reconciles to the year-end finance reports submitted to the Controller's office. By creating a new crime, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

LAWS: An act to add Section 13031 to the Government Code, relating to financial reports.

SCA 3 (Leno D) Public information.

STATUS: 9/20/2013-Chaptered by Secretary of State - Chapter No. 123, Statutes of 2013

IS URGENCY: N

SUMMARY: The California Constitution provides that the people have the right of access to information concerning the conduct of the people's business. The California Constitution requires that the meetings of public bodies and the writings of public officials and agencies be open to public scrutiny. The California Constitution requires that whenever the Legislature or any state agency mandates a new program or higher level of service on any local government, the state shall provide a subvention of funds to reimburse the local government for the costs of the program or increased level of service. The California Constitution exempts certain mandates from the requirement to provide a subvention of funds including local agency compliance with the Ralph M. Brown Act (Brown Act). This measure would require each local agency to comply with the CPRA and the Brown Act, and with any subsequent statutory enactment amending either act, enacting a successor act, or amending any successor act which contains findings demonstrating that the statutory enactment furthers the purposes of the people's right of access to information concerning the conduct of the people's business. The measure would specifically exempt mandates contained within the scope of those acts, and certain subsequent statutory enactments that contain findings demonstrating that the statutory enactment furthers those same purposes, from the requirement to provide a subvention of funds. O This bill contains other existing laws.

DIGEST: The California Constitution provides that the people have the right of access to information concerning the conduct of the people's business. The California Constitution requires that the meetings of public bodies and the writings of public officials and agencies be open to public scrutiny. The California Constitution requires that whenever the Legislature or any state agency mandates a new program or higher level of service on any local government, the state shall provide a subvention of funds to reimburse the local government for the costs of the program or increased level of service. The California Constitution exempts certain mandates from the requirement to provide a subvention of funds including local agency compliance with the Ralph M. Brown Act (Brown Act).

The California Public Records Act (CPRA) provides that public records are open to inspection at all times during the office hours of the state or local agency that retains those records, and that every person has a right to inspect any public record, except as provided. The Brown Act requires each legislative body of a local agency to provide notice of the time and place for holding regular meetings and requires that all meetings of a legislative body be open and public. Under the act, all persons are permitted to attend any meeting of the legislative body of a local agency, unless a closed session is authorized.

This measure would require each local agency to comply with the CPRA and the Brown Act, and with any subsequent statutory enactment amending either act, enacting a successor act, or amending any successor act which contains findings demonstrating that the statutory enactment furthers the purposes of the people's right of access to information concerning the conduct of the people's business. The measure would specifically exempt mandates contained within the scope of those acts, and certain subsequent statutory enactments that contain findings demonstrating that the statutory enactment furthers those same purposes, from the requirement to provide a subvention of funds.

Resolved by the Senate, the Assembly concurring, That the Legislature of the State of California at its 2013-14 Regular Session commencing on the third day of December 2012, two-thirds of the membership of each house concurring, hereby proposes to the people of the State of California, that the Constitution of the State be amended as follows:

First--

That Section 3 of Article I thereof is amended to read:

SEC. 3.

(a) The people have the right to instruct their representatives, petition government for redress of grievances, and assemble freely to consult for the common good.

(b) (1) The people have the right of access to information concerning the conduct of the people's business, and, therefore, the meetings of public bodies and the writings of public officials and agencies shall be open to public scrutiny.
(2) A statute, court rule, or other authority, including those in effect on the effective date of this subdivision, shall be broadly construed if it furthers the people's right of access, and narrowly construed if it limits the right of access. A statute, court rule, or other authority adopted after the effective date of this subdivision that limits the right of access shall be adopted with findings demonstrating the interest protected by the limitation and the need for protecting that interest.
(3) Nothing in this subdivision supersedes or modifies the right of privacy guaranteed by Section 1 or affects the construction of any statute, court rule, or other authority to the extent that it protects that right to privacy, including any statutory procedures governing discovery or disclosure of information concerning the official performance or professional qualifications of a peace officer.
(4) Nothing in this subdivision supersedes or modifies any provision of this Constitution, including the guarantees that a person may not be deprived of life, liberty, or property without due process of law, or denied equal protection of the laws, as provided in Section 7.
(5) This subdivision does not repeal or nullify, expressly or by implication, any constitutional or statutory exception to the right of access to public records or meetings of public bodies that is in effect on the effective date of this subdivision, including, but not limited to, any statute protecting the confidentiality of law enforcement and prosecution records.
(6) Nothing in this subdivision repeals, nullifies, supersedes, or modifies protections for the confidentiality of proceedings and records of the Legislature, the Members of the Legislature, and its employees, committees, and caucuses provided by Section 7 of Article IV, state law, or legislative rules adopted in furtherance of those provisions; nor does it affect the scope of permitted discovery in judicial or administrative proceedings regarding deliberations of the Legislature, the Members of the Legislature, and its employees, committees, and caucuses.
(7) In order to ensure public access to the meetings of public bodies and the writings of public officials and agencies, as specified in paragraph (1), each local agency is hereby required to comply with the California Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1 of the Government Code) and the Ralph M. Brown Act (Chapter 9 (commencing with Section 54950) of Part 1 of Division 2 of Title 5 of the Government Code), and with any subsequent statutory enactment amending either act, enacting a successor act, or amending any successor act that contains findings demonstrating that the statutory enactment furthers the purposes of this section.

Second--

That Section 6 of Article XIII B thereof is amended to read:

SEC. 6.

(a) Whenever the Legislature or any state agency mandates a new program or higher level of service on any local government, the State shall provide a subvention of funds to reimburse that local government for the costs of the program or increased level of service, except that the Legislature may, but need not, provide a subvention of funds for the following mandates:
(1) Legislative mandates requested by the local agency affected.
(2) Legislation defining a new crime or changing an existing definition of a crime.
(3) Legislative mandates enacted prior to January 1, 1975, or executive orders or regulations initially implementing legislation enacted prior to January 1, 1975.
(4) Legislative mandates contained in statutes within the scope of paragraph (7) of subdivision (b) of Section 3 of Article I.
(b) (1) Except as provided in paragraph (2), for the 2005-06 fiscal year and every subsequent fiscal year, for a mandate for which the costs of a local government claimant have been determined in a preceding fiscal year to be payable by the State pursuant to law, the Legislature shall either appropriate, in the annual Budget Act, the full payable amount that has not been previously paid, or suspend the operation of the mandate for the fiscal year for which the annual Budget Act is applicable in a manner prescribed by law.
(2) Payable claims for costs incurred prior to the 2004-05 fiscal year that have not been paid prior to the

2005-06 fiscal year may be paid over a term of years, as prescribed by law.
(3) Ad valorem property tax revenues shall not be used to reimburse a local government for the costs of a new program or higher level of service.
(4) This subdivision applies to a mandate only as it affects a city, county, city and county, or special district.
(5) This subdivision shall not apply to a requirement to provide or recognize any procedural or substantive protection, right, benefit, or employment status of any local government employee or retiree, or of any local government employee organization, that arises from, affects, or directly relates to future, current, or past local government employment and that constitutes a mandate subject to this section.
(c) A mandated new program or higher level of service includes a transfer by the Legislature from the State to cities, counties, cities and counties, or special districts of complete or partial financial responsibility for a required program for which the State previously had complete or partial financial responsibility.

LAWS: A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by amending Section 3 of Article I and Section 6 of Article XIII B thereof, relating to public information.

AB 20 (Waldron R) Obscene matter: minors.

STATUS: 8/26/2013-Chaptered by Secretary of State - Chapter 143, Statutes of 2013.

IS URGENCY: N

SUMMARY: Existing law generally prohibits the production, distribution, and production of any representation of information, data, or image, as specified, of any obscene matter that depicts a person under 18 years of age personally engaging in or personally simulating sexual conduct, as defined. Violations of these provisions are crimes. This bill would provide that every person who is convicted of a violation of specified offenses relating to obscene matter involving minors, as specified, in which the violation is committed on, or via, a government-owned computer or via a government-owned computer network, or in which the production, transportation, or distribution of which involves the use, possession, or control of government-owned property shall, in addition to any imprisonment of fine imposed for the commission of the underlying offense, be punished by a fine not exceeding $2,000, unless the court determines that the defendant does not have the ability to pay. The bill would provide that revenue from any fines collected would be transferred for deposit into a county fund established for that purpose and allocated for sexual assault investigator training, public agencies and nonprofit corporations that provide shelter, counseling, or other direct services for victims of human trafficking, and multidisciplinary teams involved in the prosecution of child abuse cases, as specified. This bill contains other related provisions and other existing laws.

DIGEST: Existing law generally prohibits the production, distribution, and production of any representation of information, data, or image, as specified, of any obscene matter that depicts a person under 18 years of age personally engaging in or personally simulating sexual conduct, as defined. Violations of these provisions are crimes.

This bill would provide that every person who is convicted of a violation of specified offenses relating to obscene matter involving minors, as specified, in which the violation is committed on, or via, a government-owned computer or via a government-owned computer network, or in which the production, transportation, or distribution of which involves the use, possession, or control of government-owned property shall, in addition to any imprisonment of fine imposed for the commission of the underlying offense, be punished by a fine not exceeding $2,000, unless the court determines that the defendant does not have the ability to pay. The bill would provide that revenue from any fines collected would be transferred for deposit into a county fund established for that purpose and allocated for sexual assault investigator training, public agencies and nonprofit corporations that provide shelter, counseling, or other direct services for victims of human trafficking, and multidisciplinary teams involved in the prosecution of child abuse cases, as specified.

Existing law allows for the release from all penalties and disabilities resulting from an offense for which the person was convicted if specified criteria are met. Existing law excludes certain sex offenses from these provisions.

This bill would additionally exclude specified offenses relating to obscene matter involving minors from these provisions.

LAWS: An act to amend Section 1203.4 of, and to add Section 311.12 to, the Penal Code, relating to obscene matter.

AB 139 (Holden D) Domestic violence: fees.

STATUS: 8/26/2013-Chaptered by Secretary of State - Chapter 144, Statutes of 2013.

IS URGENCY: N

SUMMARY: Existing law imposes a fee of $500 on every person who is granted probation for a crime of domestic violence. Two-thirds of the fee is deposited in the county's domestic violence programs special fund to be expended in support of domestic violence shelter programs, as specified. Existing law authorizes fines to be reduced, as specified, for time served. This bill would clarify that the $500 payment is a fee, not a fine, and that the fee is not subject to reduction for time served. The bill would also authorize 8% of the moneys deposited in the county domestic violence programs special fund to be used for administrative costs and would authorize the collection of the fee by the collecting agency or the agency's designee after the termination of the period of probation, whether probation is terminated by revocation or by completion of the term. The bill would provide that a county board of supervisors may request, on not more than a quarterly basis, an accounting of the special fund, as specified. The bill would also make related findings and declarations.

DIGEST: Existing law imposes a fee of $500 on every person who is granted probation for a crime of domestic violence. Two-thirds of the fee is deposited in the county's domestic violence programs special fund to be expended in support of domestic violence shelter programs, as specified. Existing law authorizes fines to be reduced, as specified, for time served.

This bill would clarify that the $500 payment is a fee, not a fine, and that the fee is not subject to reduction for time served. The bill would also authorize 8% of the moneys deposited in the county domestic violence programs special fund to be used for administrative costs and would authorize the collection of the fee by the collecting agency or the agency's designee after the termination of the period of probation, whether probation is terminated by revocation or by completion of the term. The bill would provide that a county board of supervisors may request, on not more than a quarterly basis, an accounting of the special fund, as specified. The bill would also make related findings and declarations.

LAWS: An act to amend Section 1203.097 of the Penal Code, and to amend Section 18305 of the Welfare and Institutions Code, relating to domestic violence.

AB 619 (Garcia D) Court facilities.

STATUS: 10/1/2013-Chaptered by Secretary of State - Chapter 452, Statutes of 2013.

IS URGENCY: N

SUMMARY: Existing law establishes the State Court Facilities Construction Fund for the planning, design, construction, rehabilitation, renovation, replacement, leasing, or acquisition of state court facilities. Existing law levies a state court construction penalty, as specified, upon every fine, penalty, and forfeiture imposed and collected for all criminal offenses and all parking offenses for which a parking penalty, fine, or forfeiture is imposed. Moneys deposited in the county treasury under those provisions must be transmitted to the Controller for deposit in the State Court Facilities Construction Fund. Existing law further requires that any amounts required to be transmitted by a county to the Controller under these provisions be remitted no later than 45 days after the end of the month in which the penalties were collected. Any remittance made later than this time is considered delinquent and is subject to specified penalties. Upon receipt of a delinquent payment, the Controller is required to calculate a penalty on the delinquent payment by multiplying the amount of the delinquent payment at a daily rate equivalent to 1½% per month for the number of days the payment is delinquent. Existing law requires the county to pay the penalty amount calculated pursuant to these provisions to the Controller, as specified, and requires the Controller to deposit these moneys in the State Court Facilities Construction Fund. This bill would require the fines, penalties, and forfeitures imposed and collected pursuant to the above provisions be remitted to the State Treasurer, as specified. The bill would require the Controller to calculate the interest on the delinquent payment, as specified, and would revise the formula for calculating the penalty. The bill would also require a county, city and county, or court to pay the interest or penalty amounts calculated under these provisions, as specified, to the State Court Facilities Construction Fund or the Immediate Critical Needs Account of the State Court Facilities Construction Fund. The bill would authorize the Controller to permit a county, city and county, or court to pay the interest or penalty amounts under a payment schedule if the interest or penalty amount causes a hardship to that entity. Further, the bill would require that payment be made by the entity responsible for the error or other action that caused the failure to pay, as determined by the Controller in a notice given to that party by the Controller, and would define that entity as including a party that collects the funds but is not responsible for remitting them to the state if that party failed to provide or delayed providing the remitting party with information necessary for remitting the funds. The bill also provides that these changes apply to all delinquent payments for which the Controller has not issued a final audit before January 1, 2014.

DIGEST: Existing law establishes the State Court Facilities Construction Fund for the planning, design, construction, rehabilitation, renovation, replacement, leasing, or acquisition of state court facilities. Existing law levies a state court construction penalty, as specified, upon every fine, penalty, and forfeiture imposed and collected for all criminal offenses and all parking offenses for which a parking penalty, fine, or forfeiture is imposed. Moneys deposited in the county treasury under those provisions must be transmitted to the Controller for deposit in the State Court Facilities Construction Fund. Existing law further requires that any amounts required to be transmitted by a county to the Controller under these provisions be remitted no later than 45 days after the end of the month in which the penalties were collected. Any remittance made later than this time is considered delinquent and is subject to specified penalties. Upon receipt of a delinquent payment, the Controller is required to calculate a penalty on the delinquent payment by multiplying the amount of the delinquent payment at a daily rate equivalent to 1½% per month for the number of days the payment is delinquent. Existing law requires the county to pay the penalty amount calculated pursuant to these provisions to the Controller, as specified, and requires the Controller to deposit these moneys in the State Court Facilities Construction Fund.

This bill would require the fines, penalties, and forfeitures imposed and collected pursuant to the above provisions be remitted to the State Treasurer, as specified. The bill would require the Controller to calculate the interest on the delinquent payment, as specified, and would revise the formula for calculating the penalty. The bill would also require a county, city and county, or court to pay the interest or penalty amounts calculated under these provisions, as specified, to the State Court Facilities Construction Fund or the Immediate Critical Needs Account of the State Court Facilities Construction Fund. The bill would authorize the Controller to

permit a county, city and county, or court to pay the interest or penalty amounts under a payment schedule if the interest or penalty amount causes a hardship to that entity. Further, the bill would require that payment be made by the entity responsible for the error or other action that caused the failure to pay, as determined by the Controller in a notice given to that party by the Controller, and would define that entity as including a party that collects the funds but is not responsible for remitting them to the state if that party failed to provide or delayed providing the remitting party with information necessary for remitting the funds. The bill also provides that these changes apply to all delinquent payments for which the Controller has not issued a final audit before January 1, 2014.

LAWS: An act to amend Section 70377 of the Government Code, relating to court facilities.

AB 748 (Eggman D) Judgments against a public entity: interest.

STATUS: 9/30/2013-Chaptered by Secretary of State - Chapter 424, Statutes of 2013.

IS URGENCY: N

SUMMARY: Existing law provides that a person who is entitled to collect certain damages is also entitled to collect interest on the damages from that day, except as specified. Existing law provides that this requirement applies to the collection of interest from a public entity. Existing law prohibits, in an action to recover damages for a personal injury resulting from or occasioned by the tort of another, a public entity and a public employee whose action or condition was within the scope of employment from being liable for interest. This bill would require, unless another provision of law provides a different interest rate, interest to accrue in a tax or fee claim against a public entity that results in a judgment against the public entity at a rate equal to the weekly average one year constant maturity United States Treasury yield, not to exceed 7% per annum. The bill would also provide that, when a tax or fee judgment against a local public entity or against the state or a state agency, except for a claim approved by the California Victim Compensation Government Claims Board, becomes enforceable pursuant to specified statutes also proposed to be amended in this bill, interest accrues at an annual rate equal to the weekly average one year constant maturity United States Treasury yield at the time of the judgment plus 2%, but not to exceed 7% per annum. This bill contains other existing laws.

DIGEST: Existing law provides that a person who is entitled to collect certain damages is also entitled to collect interest on the damages from that day, except as specified. Existing law provides that this requirement applies to the collection of interest from a public entity. Existing law prohibits, in an action to recover damages for a personal injury resulting from or occasioned by the tort of another, a public entity and a public employee whose action or condition was within the scope of employment from being liable for interest.

The California Constitution requires the Legislature to set the rate of interest upon a judgment rendered in any court of this state at not more than 10% per annum. In the absence of the setting of such a rate by the Legislature, the California Constitution provides that the rate of interest on any judgment rendered in a court is 7% per annum.

This bill would require, unless another provision of law provides a different interest rate, interest to accrue in a tax or fee claim against a public entity that results in a judgment against the public entity at a rate equal to the weekly average one year constant maturity United States Treasury yield, not to exceed 7% per annum. The bill would also provide that, when a tax or fee judgment against a local public entity or against the state or a state agency, except for a claim approved by the California Victim Compensation Government Claims Board, becomes enforceable pursuant to specified statutes also proposed to be amended in this bill, interest accrues at an annual rate equal to the weekly average one year constant maturity United States Treasury yield at the time of the judgment plus 2%, but not to exceed 7% per annum.

LAWS: An act to amend Section 3287 of the Civil Code, and to amend Sections 965.5 and 970.1 of the Government Code, relating to judgments.

AB 1159 (Gonzalez D) Immigration services.

STATUS: 0/5/2013-Chaptered by Secretary of State - Chapter 574, Statutes of 2013.

IS URGENCY: Y

SUMMARY: Existing law, the State Bar Act, provides for the licensure and regulation of attorneys by the State Bar of California, a public corporation. This bill would make it a violation of specified provisions of law relating to the unauthorized practice of law for any person who is not an attorney to literally translate from English into another language the phrases "notary public," "notary," "licensed," "attorney," "lawyer," or any other terms that imply that the person is an attorney. The bill would prescribe penalties, not to exceed $1,000 per day for each violation, for a person who violates these provisions. The bill would authorize these penalties to be allocated to a specified fund for purposes of providing free legal services related to immigration reform act services to clients of limited means, or to a fund for the purposes of mitigating unpaid claims of injured immigrant clients, as specified, as directed by the Board of Trustees of the State Bar. The bill would require the Board of Trustees of the State Bar to annually report any collection and expenditure of these moneys to the Assembly and Senate Committees on Judiciary. This bill contains other related provisions and other existing laws.

DIGEST: Existing law, the State Bar Act, provides for the licensure and regulation of attorneys by the State Bar of California, a public corporation.

This bill would make it a violation of specified provisions of law relating to the unauthorized practice of law for any person who is not an attorney to literally translate from English into another language the phrases "notary public," "notary," "licensed," "attorney," "lawyer," or any other terms that imply that the person is an attorney. The bill would prescribe penalties, not to exceed $1,000 per day for each violation, for a person who violates these provisions. The bill would authorize these penalties to be allocated to a specified fund for purposes of providing free legal services related to immigration reform act services to clients of limited means, or to a fund for the purposes of mitigating unpaid claims of injured immigrant clients, as specified, as directed by the Board of Trustees of the State Bar. The bill would require the Board of Trustees of the State Bar to annually report any collection and expenditure of these moneys to the Assembly and Senate Committees on Judiciary.

This bill would require, when a contract for legal services is required in writing pursuant to specified provisions of law, that an attorney providing immigration reform act services, as defined, provide a written notice informing the client that he or she may report complaints to specified entities. The bill would make these provisions operative when the State Bar posts the form and specified translations of the form on its Internet Web site, but no later than 45 days after the effective date of the bill.

Existing law provides for the regulation of a person engaged in the business or acting in the capacity of an immigration consultant, and provides that a violation of these provisions is a crime. Existing law requires an immigration consultant to provide a client with a written contract containing specified information prior to providing services. Existing law requires an immigration consultant to file a bond of $50,000 with the Secretary of State in accordance with specified provisions of law.

This bill would, commencing July 1, 2014, increase the amount of this bond to $100,000. The bill would require that the written contract contain additional information relating to an explanation of the purpose of each service to be performed. The bill would require an immigration consultant to establish a client trust account and to deposit in this account any funds received from the client prior to performing immigration reform act services, as defined, for that client, and would impose certain requirements relating to the expenditure of funds from this trust account.

The bill would prohibit an attorney or an immigration consultant from demanding or accepting the advance payment of any funds from a person before the enactment of an immigration reform act, as defined, and would require any funds received after the effective date of this bill, but before the enactment of an

immigration reform act, to be refunded to the client promptly, but no later than 30 days after the receipt of any funds. The bill would require any funds that were received before the effective date of the bill for services not rendered before the effective date of the bill to be either refunded to the client or deposited in a client trust fund in accordance with specified provisions. The bill would prescribe penalties, not to exceed $1,000 per day for each violation, for immigration consultants who violate these provisions.

Existing law prohibits an immigration consultant from literally translating the phrase “notary public” into Spanish.

This bill would provide that a violation of these provisions constitutes a violation of specified provisions of law relating to the unauthorized practice of law. The bill also would prescribe penalties, not to exceed $1,000 per day for each violation, for immigration consultants who violate these provisions.

Because a violation of these provisions by an immigration consultant would be a crime, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

This bill would declare that it is to take effect immediately as an urgency statute.

LAWS: An act to amend Sections 22442 and 22442.3 of, to amend, repeal, and add Section 22443.1 of, to add Sections 6126.7, 22442.5, and 22442.6 to, and to add Article 16 (commencing with Section 6240) to Chapter 4 of Division 3 of, the Business and Professions Code, relating to immigration services, and declaring the urgency thereof, to take effect immediately.

AB 1339 (Maienschein R) Professional fiduciaries: guardians and conservators.

STATUS: 9/6/2013-Chaptered by Secretary of State - Chapter 248, Statutes of 2013.

IS URGENCY: N

SUMMARY: Existing law provides that a relative or other person on behalf of a minor, or a minor if he or she is 12 years of age or older, may file a petition for the appointment of a guardian of the person or estate of the minor. Existing law also provides that certain persons may file a petition for the appointment of a conservator. Existing law provides that on or after the filing of a petition for appointment of a guardian or conservator, a person entitled to petition for the appointment of a guardian or conservator may file a petition for the appointment of a temporary guardian or temporary conservator, as specified. Under existing law, when a petition to appoint a conservator or a temporary conservator is filed, and the petitioner is a professional fiduciary, as defined, the petition must include specified additional information, including the petitioner's license information and a statement explaining who engaged the petitioner or how the petitioner was engaged to file the petition for appointment of a conservator and what prior relationship the petitioner had with the proposed conservatee or the proposed conservatee's family or friends. This bill would require that when a petition to appoint a conservator or a temporary conservator is filed, and the petitioner or proposed conservator is a professional fiduciary, as defined, the petition also include the petitioner's or proposed conservator's proposed hourly fee schedule or another statement of the petitioner's or proposed conservator's proposed compensation from the estate of the proposed conservatee for services performed. The bill would provide that provision of that schedule or statement shall not preclude a court from reducing the hourly fees or other compensation. This bill contains other related provisions and other existing laws.

DIGEST: Existing law provides that a relative or other person on behalf of a minor, or a minor if he or she is 12 years of age or older, may file a petition for the appointment of a guardian of the person or estate of the minor. Existing law also provides that certain persons may file a petition for the appointment of a conservator. Existing law provides that on or after the filing of a petition for appointment of a guardian or conservator, a person entitled to petition for the appointment of a guardian or conservator may file a petition for the appointment of a temporary guardian or temporary conservator, as specified. Under existing law, when a petition to appoint a conservator or a temporary conservator is filed, and the petitioner is a professional fiduciary, as defined, the petition must include specified additional information, including the petitioner's license information and a statement explaining who engaged the petitioner or how the petitioner was engaged to file the petition for appointment of a conservator and what prior relationship the petitioner had with the proposed conservatee or the proposed conservatee's family or friends. This bill would require that when a petition to appoint a conservator or a temporary conservator is filed, and the petitioner or proposed conservator is a professional fiduciary, as defined, the petition also include the petitioner's or proposed conservator's proposed hourly fee schedule or another statement of the petitioner's or proposed conservator's proposed compensation from the estate of the proposed conservatee for services performed. The bill would provide that provision of that schedule or statement shall not preclude a court from reducing the hourly fees or other compensation.

This bill would also require, when a petition to appoint a guardian or temporary guardian is filed, and the petitioner or proposed guardian is a professional fiduciary, as defined, the petition to include the same additional information as when a professional fiduciary files a petition to appoint a conservator or a temporary conservator. The bill would also provide that provision of a proposed hourly fee schedule or another statement of proposed compensation shall not preclude a court from reducing the fees or other compensation.

Existing law requires, within 90 days of a guardian's or conservator's appointment, the guardian or conservator to file an inventory and appraisal.

This bill would require the guardian or conservator, if he or she is a professional fiduciary, as defined, to file concurrently with the inventory and appraisal a proposed hourly fee schedule or another statement of his or her proposed compensation from the estate of the ward or conservatee for services performed. The bill would

also authorize the guardian or conservator to submit a new proposed hourly fee schedule or another statement of his or her proposed compensation at any time on or after one year from the original submission, as specified. The bill would provide that filing or submittal of those schedules or statements shall not preclude a court from reducing the guardian's or conservator's hourly fees or other compensation or his or her attorney's fees, as the case may be.

Existing law permits the court, on petition by the guardian or conservator, to authorize periodic payments on account to the guardian or conservator for the services rendered by those persons during the period covered by each payment.
This bill would permit the court, on petition by a guardian or conservator who is a professional fiduciary, as defined, to authorize periodic payments on account only if the guardian or conservator filed a proposed hourly fee schedule or another statement of his or her proposed compensation from the estate of the ward or conservatee for services performed with the inventory and appraisal and only after addressing all objections to the petition. The bill would also provide that the authorization for periodic payments to a guardian or conservator who is a professional fiduciary, as defined, shall terminate on a date determined by the court, but not later than the due date of the next succeeding accounting.

LAWS: An act to amend Sections 1510, 1821, 2250, and 2643 of, and to add Sections 2614.7, 2614.8, and 2643.1 to, the Probate Code, relating to professional fiduciaries.

SB 145 (Pavley D) Sex offenders: child pornography.

STATUS: 10/12/2013-Chaptered by Secretary of State - Chapter 777, Statutes of 2013.

IS URGENCY: N

SUMMARY: (1) Existing law makes it a crime for a person, with knowledge that another person is a minor, to knowingly distribute, send, cause to be sent, exhibit, or offer to distribute or exhibit by electronic mail or the Internet any harmful matter, as defined, to a minor with the intent of arousing, appealing to, or gratifying the lust or passions or sexual desires of that person or the minor, and with the intent or the purpose of seducing a minor. This bill would instead make it a misdemeanor or a felony for every person who knows, should have known, or believes that another person is a minor to distribute or exhibit harmful matter, as defined, depicting a minor or minors engaging in sexual conduct, with the intent of arousing, appealing to, or gratifying the lust or passions or sexual desires of that person or of a minor, and with the intent or for the purpose of engaging in sexual intercourse, sodomy, oral copulation, or with the intent that either person touch an intimate body part of the other. The bill would make a violation of these provisions punishable by imprisonment in a county jail not exceeding one year, or in the state prison for 2, 3, or 5 years. This bill contains other related provisions and other existing laws.

DIGEST: (1) Existing law makes it a crime for a person, with knowledge that another person is a minor, to knowingly distribute, send, cause to be sent, exhibit, or offer to distribute or exhibit by electronic mail or the Internet any harmful matter, as defined, to a minor with the intent of arousing, appealing to, or gratifying the lust or passions or sexual desires of that person or the minor, and with the intent or the purpose of seducing a minor.

This bill would instead make it a misdemeanor or a felony for every person who knows, should have known, or believes that another person is a minor to distribute or exhibit harmful matter, as defined, depicting a minor or minors engaging in sexual conduct, with the intent of arousing, appealing to, or gratifying the lust or passions or sexual desires of that person or of a minor, and with the intent or for the purpose of engaging in sexual intercourse, sodomy, oral copulation, or with the intent that either person touch an intimate body part of the other. The bill would make a violation of these provisions punishable by imprisonment in a county jail not exceeding one year, or in the state prison for 2, 3, or 5 years.

If the matter used was harmful matter, as defined, but does not include a depiction of a minor engaged in sexual conduct, the bill would make a violation of these provisions punishable by imprisonment in a county jail not exceeding one year, or in the state prison for 16 months, or 2 or 3 years.

By increasing the punishment for a crime, this bill would impose a state-mandated local program.

(2) Existing law makes it a felony, punishable by imprisonment in the state prison for 16 months, or 2 or 3 years, or in a county jail for up to one year, or by a fine not exceeding $2,500, or by both the fine and imprisonment, to knowingly possess or control child pornography, as specified.

The bill would make it either a felony, punishable by imprisonment in the state prison for 16 months, or 2 or 5 years, or a misdemeanor, punishable by imprisonment in a county jail for up to one year, or by a fine not exceeding $2,500, or by both the fine and imprisonment, if the person knowingly possesses or controls child pornography, as specified, and the matter contains more than 600 images, as defined, at least 10 of which are images of prepubescent minors or minors under 12 years of age; or the matter portrays sexual sadism or sexual masochism involving a minor, as defined.

This bill would make other technical, nonsubstantive, and conforming changes.

Existing law, Proposition 83, as approved by the voters at the November 7, 2006, statewide general election, amended Section 311.11 of the Penal Code. The act authorizes the Legislature to amend its provisions to expand the scope of its application or to increase the punishments or penalties established by the act by a statute passed by a majority vote of each house thereof.

Because the bill would increase punishments provided in the act, the bill may be passed by a majority vote of each house of the Legislature.

Because a violation of the provisions would be a crime, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

LAWS: An act to amend Section 311.11 of, and to repeal and add Section 288.2 of, the Penal Code, relating to sex offenders.

SB 594 (Hill D) Use of public resources.

STATUS: 10/12/2013-Chaptered by Secretary of State - Chapter 773, Statutes of 2013.

IS URGENCY: N

SUMMARY: (1) Existing law prohibits the use of public funds for campaign activities. This bill would prohibit a nonprofit organization or an officer, employee, or agent of a nonprofit organization from using, or permitting another to use public resources received from a local agency for campaign activity, as defined, and not authorized by law. This bill would define, among other terms, "public resources" to mean any property or asset owned by a local agency and funds received by a nonprofit organization which have been generated from any activities related to conduit bond financing by those entities subject to specified conduit financing and transparency and accountability provisions, and "nonprofit organization" to mean an entity incorporated under the Nonprofit Corporation Law or a nonprofit organization that qualifies for exempt status under the federal Internal Revenue Code of 1986, except as specified. This bill would authorize a civil cause of action for a violation of these prohibitions and damages that include, but are not limited to, 3 times the value of the unlawful use of the public resources. This bill would authorize the Attorney General, a district attorney, and a city attorney of a city having a population in excess of 750,000 to seek these civil remedies. This bill contains other related provisions and other existing laws.

DIGEST: (1) Existing law prohibits the use of public funds for campaign activities.

This bill would prohibit a nonprofit organization or an officer, employee, or agent of a nonprofit organization from using, or permitting another to use public resources received from a local agency for campaign activity, as defined, and not authorized by law. This bill would define, among other terms, "public resources" to mean any property or asset owned by a local agency and funds received by a nonprofit organization which have been generated from any activities related to conduit bond financing by those entities subject to specified conduit financing and transparency and accountability provisions, and "nonprofit organization" to mean an entity incorporated under the Nonprofit Corporation Law or a nonprofit organization that qualifies for exempt status under the federal Internal Revenue Code of 1986, except as specified. This bill would authorize a civil cause of action for a violation of these prohibitions and damages that include, but are not limited to, 3 times the value of the unlawful use of the public resources. This bill would authorize the Attorney General, a district attorney, and a city attorney of a city having a population in excess of 750,000 to seek these civil remedies.

(2) Existing law requires qualifying individuals and political organizations to report specified information, including, but not limited to, political contributions, in statements filed with the Fair Political Practices Commission.

This bill would require a reporting nonprofit organization that engages in campaign activity to deposit into a separate bank account all "specific source or sources of funds" it receives and to pay for all campaign activity from that separate bank account. This bill would define, among other terms, "reporting nonprofit organization" to mean a nonprofit organization for which public resources from one or more local agencies account for more than 20% of the organization's annual gross revenue, as specified, and "specific source or sources of funds" to mean any funds received by the reporting nonprofit organization that have been designated for campaign activity use or any other funds received by the nonprofit organization, as specified.

This bill would further require a reporting nonprofit organization that engages in campaign activity of specified amounts or more to periodically disclose to the Franchise Tax Board, and post on its Internet Web site in a certain manner, the identity and amount of each specific source or sources of funds it receives for campaign activity, a description of the campaign activity, and the identity and amount of payments the organization makes from the required separate bank account, as specified. This bill would authorize the Franchise Tax Board to conduct an audit of any reporting nonprofit organization, require the board to conduct an audit of any reporting nonprofit organization that engages in campaign activity in excess of $500,000 in a calendar year, issue a written audit report, and transmit the report to the Attorney General and the district

attorney for the county in which the reporting nonprofit organization is domiciled. This bill would authorize the Attorney General or the district attorney for the county in which the reporting nonprofit organization is domiciled to assess a monetary civil penalty of up to $10,000 against a reporting nonprofit organization for each violation of these disclosure requirements, as specified.

LAWS: An act to add Sections 54964.5 and 54964.6 to the Government Code, relating to campaign activity.

SB 606 (De León D) Harassment: child or ward.

STATUS: 9/24/2013-Chaptered by Secretary of State - Chapter 348, Statutes of 2013.

IS URGENCY: N

SUMMARY: Under existing law, any person who intentionally harasses the child or ward of any other person because of that person's employment is guilty of a misdemeanor, punishable by imprisonment in a county jail not exceeding 6 months, or by a fine not exceeding $1,000, or both. Under existing law, that crime is punishable by mandatory imprisonment in a county jail for not less than 5 days for a 2nd conviction, and by mandatory imprisonment in a county jail for not less than 30 days for a 3rd or subsequent conviction. This bill would make a violation of the above provisions punishable by imprisonment in a county jail not exceeding one year, or by a fine not exceeding $10,000, or by both that fine and imprisonment for a first conviction. For a 2nd conviction, the bill would require a fine not exceeding $20,000 and imprisonment in a county jail for a period of not less than 5 days but not exceeding one year. For a 3rd or subsequent conviction, the bill would require a fine not exceeding $30,000 and imprisonment in a county jail for a period of not less than 30 days but not exceeding one year. The bill would specify that harassment means knowing and willful conduct directed at a specific child or ward that seriously alarms, annoys, torments, or terrorizes the child or ward, and that serves no legitimate purpose, including, but not limited to, that conduct occurring during the course of any actual or attempted recording of the child's or ward's image or voice without the written consent of the child's or ward's parent or legal guardian, by following the child's or ward's activities or by lying in wait. The bill would specify that, upon a violation of the above provisions, a parent or legal guardian of an aggrieved child or ward may bring a civil action against the violator on behalf of the child or ward for specified remedies. The bill would additionally provide that the act of transmitting, publishing, or broadcasting a recording of the image or voice of a child does not constitute commission of the offense. This bill contains other related provisions and other existing laws.

DIGEST: Under existing law, any person who intentionally harasses the child or ward of any other person because of that person's employment is guilty of a misdemeanor, punishable by imprisonment in a county jail not exceeding 6 months, or by a fine not exceeding $1,000, or both. Under existing law, that crime is punishable by mandatory imprisonment in a county jail for not less than 5 days for a 2nd conviction, and by mandatory imprisonment in a county jail for not less than 30 days for a 3rd or subsequent conviction.

This bill would make a violation of the above provisions punishable by imprisonment in a county jail not exceeding one year, or by a fine not exceeding $10,000, or by both that fine and imprisonment for a first conviction. For a 2nd conviction, the bill would require a fine not exceeding $20,000 and imprisonment in a county jail for a period of not less than 5 days but not exceeding one year. For a 3rd or subsequent conviction, the bill would require a fine not exceeding $30,000 and imprisonment in a county jail for a period of not less than 30 days but not exceeding one year. The bill would specify that harassment means knowing and willful conduct directed at a specific child or ward that seriously alarms, annoys, torments, or terrorizes the child or ward, and that serves no legitimate purpose, including, but not limited to, that conduct occurring during the course of any actual or attempted recording of the child's or ward's image or voice without the written consent of the child's or ward's parent or legal guardian, by following the child's or ward's activities or by lying in wait. The bill would specify that, upon a violation of the above provisions, a parent or legal guardian of an aggrieved child or ward may bring a civil action against the violator on behalf of the child or ward for specified remedies. The bill would additionally provide that the act of transmitting, publishing, or broadcasting a recording of the image or voice of a child does not constitute commission of the offense.

By increasing the punishment for a crime, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

LAWS: An act to amend Section 11414 of the Penal Code, relating to harassment.